

Alabama, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Helmet Tomatoes."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, added water, had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for tomatoes, which the article purported to be.

Misbranding of the article was alleged in substance for the reason that the statement "Tomatoes" on the label of said article was false and misleading and deceived and misled the purchaser into the belief that the product consisted entirely of tomatoes, whereas, in truth and in fact, said article did not consist entirely of tomatoes, but contained added water. Misbranding of the article was alleged for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, tomatoes.

On December 7, 1918, the Sunbright Canning Co., Dickson, Tenn., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, conditioned in part that the product should be relabeled in conspicuous type showing that the article contained 20 per cent added water.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**7661. Adulteration of evaporated apples. U. S. v. 220 Boxes of Evaporated Apples. Consent decree of condemnation, Product ordered released to claimant.** (F. & D. No. 11821. I. S. Nos. 12776-r, 12778-r, S. No. W-536 )

On December 19, 1919, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 220 boxes of evaporated apples, consigned by Joseph Travers & Sons, Sebastopol, Calif., on November 5, 1919, remaining at Boston, Mass., alleging that the article had been shipped and transported from the State of California into the Commonwealth of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel of information for the reason that water had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the article.

On February 18, 1920, the California Packing Corporation, by Frank B. Priest, agent, having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product be delivered to said claimant upon payment of the costs of the proceedings.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**7662. Misbranding of Prescription 1000 Internal. U. S. \* \* \* v. 14 Bottles of Prescription 1000 Internal. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 11230. I. S. No. 9425-r, S. No. C-1457.)

On September 16, 1919, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 14 bottles of Prescription 1000 Internal, remaining unsold in the original unbroken packages at Cairo, Ill., consigned by the Reese Chemical Co.,